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| EXAMINER |
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TRAN, NHAN T

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| ART UNIT | PAPER NUMBER |
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2622

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11/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,815

Applicant(s)

MORITA, KENJI

Examiner

NHAN T. TRAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-73, 78 and 83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-73, 78 and 83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/1/2008 with respect to claims 58-73, 78 and 83 rejected under non-obviousness-type double patenting over claims 1, 2, 5-16 of Patent No. 6,611,285 in view of Cortjens have been fully considered but they are not persuasive.

The Applicant asserts that the combined teaching of the prior Patent No. 6,611,285 and Cortjens does not teach that, *in response to inputting designations not including a predetermined plurality of commands for the same operation, which when inputted are grouped and at least one but not all of which are used to control a video camera, the control unit controls the video camera in accordance with each of the designations*. The Applicant further asserts that *there has been no showing of any indication of motivation that would lead one skilled in the art to combine the two pieces of art to produce a control unit that controls a video camera in accordance with each of inputted designations that do not include a predetermined plurality of commands for the same operation*.

In response, the Examiner respectfully disagrees.

(i) First of all, the claims do not require grouping of inputting designations in the second control mode when the designations do not include a predetermined plurality of commands for the same operation, but instead grouping of designations is only performed in the first control mode when the designations are for the same operation (i.e., a plurality of zoom commands for the same zoom operation are grouped) (see

claims 58, 63 and 68). Secondly, it is clear in Cortjens that when the user inputs a plurality of commands, each for pan, tilt and zoom separately (not for the same zoom operation), the camera controller controls the camera in accordance with each command separately to pan, tilt and zoom in response to the user's input designations (see the analysis in the previous action mailed 5/1/2008 and Cortjens, Figs. 5A & 5B and col. 15, line 54 - col. 16, line 36).

(ii) The motivation to separately control the pan, tilt and zoom of a camera is allow the user to independently and smoothly control the camera as suggested by Cortjens in col. 4, lines 29-36.

In view of the above, the combined teaching of the prior Patent claims and Cortjens has met the instant claimed limitations with proper and sufficient motivation that would be easily recognized by one skilled in the art. Therefore, the rejection is maintained as set forth below.

2. Applicant's arguments with respect to claims 58-73, 78 and 83 rejected under 35 U.S.C. 102 (a) over Cortjens and 103(a) over Cortjens in view of Suga have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Claim Objections

3. Claims 59, 61, 64, 66 are objected to because of the recitation of "**the continuous** designations" in each of these claims. This should be corrected to read as -- the designations --. Appropriate correction is required.

4. Claim 69 is also objected to because of the recitation of "A computer storage medium." This should be corrected to read as -- A computer readable storage medium -
- to provide consistent claim terminology with the independent claim 68.
5. Claim 72 is also objected to remove the hyphen (-) between the computer and readable to provide consistent claim terminology with the independent claim 68.

Double Patenting

(Important note: This application is a voluntary division of the parent application No.

08/895,266 filed 7/16/1997, which is now US Patent No. 6,611,285. No restriction was made by the USPTO in the parent application. Thus, prohibition of double patenting rejections under 35 USC 121 does not apply. See MPEP 804.01.)

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 58-73, 78 and 83 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5-16 of U.S. Patent No. 6,611,285 in view of Cortjens et al. (US 5,598,209).

The patent claims 1, 2, 5-16 disclose the limitations of application claims 58-73, 78 and 83, wherein instant limitations of "in response to said input unit inputting designations including a predetermined plurality of commands for a same operation, said control unit groups the designations and controls the video camera in accordance with at least one but not all of the predetermined plurality of commands" are met by Patent claims 1, 7, 9 and 13 in which "in the case where the input information includes a plurality of commands for the same movement operation, said control device controls the direction of said camera in accordance with the command which is the latest." It should be noted that it is inherent in the patent claims as to grouping the input commands in order to determine the latest command for controlling the camera in accordance with that latest command only but not all commands in the Patent claims 1, 7, 9 and 13.

The Patent claims 1, 2, 5-16 do not explicitly disclose and "in response to said input unit inputting designations not including a predetermined plurality of commands for the same operation, said control unit controls the video camera in accordance with each of the predetermined plurality of commands."

However, in the same filed of endeavor, Cortjens teaches that a user can send a plurality of commands to instruct a video camera for pan, tilt and zoom separately. According to Cortjens, the plurality of commands are not for the same operation but

rather for different operations, for example, one of the plurality of commands is for panning, the other command is for tilting, and another command is for zooming, etc. (see Figs. 5A & 5B, steps 115-116 and col. 15, line 54 – col. 6, line 36). Such control operations allow the user to independently and smoothly control the pan, tilt and zoom of camera as suggested by Cortjens in col. 4, lines 29-36.

Therefore, it would have been obvious to one of ordinary skill in the art to combine teachings of the Patent claims 1, 2, 5-16 and Cortjens to arrive at the Applicant's claimed invention for controlling the video camera such that, in response to input designations not including a predetermined plurality of commands for the same operation (but rather for different operations), said control unit controls the video camera in accordance with each of the commands. Doing this would allow the user to independently and smoothly control the camera as suggested by Cortjens above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHAN T. TRAN whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NHAN T. TRAN/
Primary Examiner, Art Unit 2622